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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,875	05/08/2000	DONALD ARTHUR REYNOLDS	65008-018	4421

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EXAMINER

SHIPSIDES, GEOFFREY P

ART UNIT	PAPER NUMBER
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1732

13

DATE MAILED: 08/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/486,875

Applicant(s)

REYNOLDS, DONALD ARTHUR

Examiner

Geoffrey P. Shippides

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 August 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 9-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other:

## DETAILED ACTION

### *Claim Objections*

1. Claims 9-12 are objected to because of the following informalities: Line 4 of claim 9 recites "nitred", which should be deleted and replaced with --mitred--. Line 5 of claim 9 recites "removing portions of the rear surface of each extrusion a the mitred ends" and thus it appears that the word "a" should be replaced with --at-- in order to correct for a typographical error. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 10-12 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original disclosure does not provide support for the limitations of claims 10-12. The original disclosure does not provides support for a rear surface with any other shape other than a "foot" and sealing structures, thus the original disclosure does not provide support for the broad limitation of a predetermined shape. Further, the original disclosure does recite, "The mould is shaped to continue the foot portions 28 and to provide a pillar 38 if required by the system" (Page 4, lines 15-17 of the instant specification), which further

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only gives support for the continuation of the "foot" portion and not for the continuation of a seal between extrusions (claim 11). It is further noted that the drawings do not provide support for the continuation of any structure or predetermined shape.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 <sup>is</sup> ~~are~~ rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Lines 6-7 of claim 1 recite the limitation of "whereby the front surface of the joint is entirely defined by the front surface." This, however, is unclear and indefinite as the claim language recites that both of the extrusions of plastic and the finished joint both have front surfaces, as so it is unclear as to which front surface the "front surface" recited on line 6 of claim 1 refers. ***The claims were also examined, in the previous Office Action dated 5-17-02, as if the front surface of the joint is entirely defined by the front surfaces of the two plastic extrusions.*** The examiner suggests that this language be changed to something similar to --whereby the front surface of the joint is entirely defined by the front surfaces of the mitred extrusions.--. The instant claim language of claim 1 is unclear due to the double use of the term "front surface". Clarification and/or correction are required.

***Claim Rejections - 35 USC § 103***

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,069,849 (Wain) in view of U.S. Patent No. 2,364,962 (Eagles).

Wain teaches a method for forming a window frame molding "by extruding a plurality of linear members of a suitable plastic material, selectively cutting away a portion of one end of each extrusion, placing the cut away ends in a mold with the ends in juxtaposition within the mold and coacting with the mold to form a corner cavity, and injection molding a similar plastic material into the corner cavity to form a molded corner mold section lockingly interconnecting the extrusions. (Abstract, lines 3-11) It is further noted that the word "mitring" has the same meaning as the word "cutting." Wain also teaches removing part of the rear face of the extruded pieces prior to placing the extruded parts in a mold. (Figure 14)

With regard to claims 1 and 9, Wain does not teach that the front surface of the finished joint is entirely defined by the front surfaces of the extruded linear members. Eagles, however, teaches a process for joining rubber gaskets (Page 1, Column 1, lines 3-4). Eagles teaches a process where 45 degree angels are cut at the rubber gasket ends (Page 1, Column 2, lines 40-44) and a section of the underside is removed at the joint point to facilitate the molding operation (Figure 4) to create a gasket joint entirely defined by the upper surface of the original gasket material.

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Eagles, however, does not specifically teach the injection molding of material to bond the gasket material together. Wain teaches a process of injecting material in order to connect cut stock strips of material into a combined article. Eagles teaches the placement of the gasket material into a mold to vulcanize the material together after the removal of a section of the back of the gasket material. It would have been obvious to one having ordinary skill in the art at the time of invention to modify the process as taught by Wain to have the finished joint's front surface entirely defined the upper surface of the original stock material as taught by Eagles in order to produce a more decorative gasket joint that eliminates extra lines and changes in material parts and also to create a gasket (sealing) strip with the improved sealing properties as taught by Eagles. Further, one having ordinary skill in the art would have been motivated to combine the teachings of Wain with Eagles as both are related to sealing structures.

With regard to claim 10, the extrusions according to Wain have a predetermined shape on the rear surfaces and the injection molded material is injected into a mold the continues the predetermined shape around the joint corner along the extrusions in order to have a continuous rear surface structure around the corner of the joint (Figures 6 and 16), and it would have been obvious to one having ordinary skill in the art to continue to have a mold that conforms to the shape of the rear side of the extrusion as is currently preformed in Wain, even with leaving intact the entire front surface of the mitred extrusions as taught by Eagles, in order to have a continuous rear side sealing structure.

With regard to claim 11, the rear portion of the extrusion as taught by Wain constitutes a sealing structure and it is the purpose of Wain to continue the rear portion of the extrusions around the corner of the join in order to have a continuous sealing structure around the joint.

With regard to claim 12, the rear portion of the extrusion as taught by Wain includes a foot portion (Figure 2, ref. No. 64b).

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection. The Applicant argues that Eagles does not suggest mitering extrusions and injecting plastic to replace the rear surfaces while maintaining the integrity of the front surfaces. The examiner wishes to point out that Eagles does teach the mitering of preformed stock and the removal of a portion of the rear portion of the mitered stock at the mitered end of the mitered stock prior to joining the two portions of stock material in a mold by vulcanization leaving the front portion of the finished joint entirely defined by the front portions of the mitered stock. Eagles also does add material at the joint, but does not injection mold this material.

### ***Conclusion***

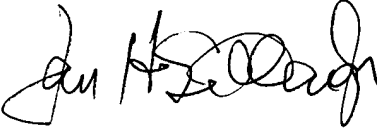
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey P. Shippides whose telephone number is 703-306-0311. The examiner can normally be reached on Monday - Friday 9 AM till 5 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan H Silbaugh can be reached on 703-308-3829. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Geoffrey P. Shipsides/gps  
August 21, 2002

  
JAN H. SILBAUGH  
SUPERVISORY PATENT EXAMINER  
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08/21/02